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STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

IN THE COURT OF COMMON PLEAS
SECOND JUDICIAL CIRCUIT
CIVIL ACTION NO. 98-CP-02 318

Mary Simons,

Plaintiff,

vs.

James Brown, a/k/a and p/k/a The
Godfather of Soul,

Defendant.

**VERIFIED COMPLAINT
(Jury Trial Demanded)**

Plaintiff Mary Simons complaining of Defendant James Brown, would, through her undersigned counsel, respectfully show unto the Court as follows:

PARTIES

1. Plaintiff Mary Simons, is a citizen and resident of Columbia, South Carolina.
2. Defendant James Brown, is, upon information and belief, a citizen and resident of Beech Island, South Carolina.

JURISDICTION AND VENUE

3. This Court has jurisdiction over these matters based upon Article V of the South Carolina Constitution, S.C. CODE ANN. §§ 36-2-802 and 36-2-803 (1976), and its plenary powers.
4. Venue is proper in this Court as the actions giving rise to this lawsuit occurred in Aiken County, South Carolina.

3-19-78
[Signature]
12:10 pm

FACTS

5. Paragraphs 1 through 4 hereinabove are reiterated and realleged as though set forth verbatim.
6. Plaintiff Mary Simons (Mary Simons) met with and provided volunteer counseling services to Defendant James Brown (James Brown) for a period of time during 1988 to 1991 while he was incarcerated in prison, and later continued to counsel James Brown while he was living at the Lower Savannah Release Center and participating in the Community Action Release program. Mary Simons continued, as requested, to counsel James Brown from time to time until mid-January, 1998.
7. On or about Monday, January 12, 1998, James Brown called Mary Simons at her home in Columbia, South Carolina. James Brown informed Mary Simons that he was going into the hospital and asked her if she would accompany him to the hospital. Brown advised Mary Simons to be prepared to spend the night. James Brown asked Mary Simons to meet him, and others for dinner at the Sheraton Hotel in Augusta, Georgia later that evening. Mary Simons agreed, and then traveled to the Sheraton Hotel.
8. When Mary Simons arrived at the Sheraton Hotel, she was informed that James Brown had gotten upset about his meal, left the hotel with his entourage, and had gone to the King George Restaurant.
9. Mary Simons then drove to the King George Restaurant where she found one of Brown's employees waiting for her. She was advised that James Brown had gone to his house in Beech Island, South Carolina. She was requested to meet Mr. Brown at his home.

10. When Mary Simons arrived, she was stopped by a new employee at the front security gate. After the security guard called Mr. Brown and identified Ms. Simons, James Brown came to the gate to escort her in.
11. James Brown began telling Mary Simons about his beliefs that "them bums" were after him and taking things such as guns, jewelry, and money from him.
12. Mary Simons spent time with and listened to James Brown talk late into the evening of Monday, January 12, 1998 and into the very early morning hours of Tuesday, January 13, 1998. During that time she repeatedly asked Brown what time he was checking into the hospital.
13. In the early morning hours of Tuesday, January 13, 1998, Mary Simons eventually fell asleep, but was awoken less than an hour later by James Brown screaming and yelling.
14. Later on Tuesday morning, January 13, 1998, Mary Simons told James Brown that if he was not going to the hospital then she would leave and return to her home. James Brown responded by saying something to the effect of "Give me some time and to be patient with me." and "Help me straighten out some things that are going wrong."
15. Mary Simons remained in the presence of James Brown on Tuesday, January 13, 1998 and continued to try and convince him to go to the hospital.
16. Later during the evening of Tuesday, January 13, 1998, after visiting James Brown's office in Augusta, Georgia and Mr. Brown's radio station, "94.7 The Boss" and having Ms. Simons speak on his station, James Brown then takes Mary Simons to

the King George Restaurant. At the restaurant, Mr. Brown and Ms. Simons met one of his employees and his spouse for dinner.

17. Following the meal at the King George Restaurant, James Brown took Mary Simons back to his house and promised he would go to the hospital if she would bear with him.
18. Upon information and belief, James Brown was taking illegal drugs during Tuesday night and Wednesday morning.
19. On the morning of Wednesday, January 14, 1998, James Brown's behavior became erratic and he instructed Mary Simons to supervise the employees at his house. James Brown then goes and introduces himself and Mary Simons to the workers and they laughed and talked with the employees. James Brown begins cursing and raising his voice to employees. Shortly afterward, James Brown appeared with a gun and pushed one of the employees and made all of them get off of his property. Ms. Simons made repeated requests for Mr. Brown to go to the hospital or she would leave. He pleaded with her to stay. She was fearful as to what he would do and continued to try and reason with him.
20. Later during the afternoon of Wednesday, January 14, 1998, James Brown and Mary Simons were driven to Mr. Brown's office in Augusta, Georgia. James Brown brings the gun with him in the limousine.
21. Throughout this time period, Mary Simons is fearful for her life and very exhausted because of the very little sleep James Brown has allowed her to have since she arrived on Monday, January 12, 1998.

22. Upon arrival at James Brown's office in Augusta, Georgia, Mr. Brown ordered a meeting for all of his staff into the conference room. During this meeting in the conference room, Ms. Simons witnesses Mr. Brown striking his longtime employee, Larry Fridle, in the face. James Brown then begins to verbally abuse each of his employees.
23. James Brown continued to rant and rave, making false statements about Mary Simons and others. James Brown's false statements included a statement that Mary Simons had gotten pregnant by him while he was incarcerated in prison. During the entire time in James Brown's office on Wednesday, January 14, 1998, James Brown kept his gun within his arms length or easy access. Also, during this entire time in his office Mary Simons was attempting to appease James Brown and dissuade him from further violence. Mary Simons attempted to calm everyone else around James Brown.
24. James Brown eventually instructed everyone that the meeting was over. Mr. Brown then went to his personal office carrying his gun and fired the gun twice without warning in the near presence of Mary Simons. Mary Simons was very afraid and began repeating the 23rd Psalm. James Brown then instructed the limousine driver to escort Ms. Simons to the limousine.
25. James Brown and Mary Simons, and the driver got into the limousine and left. He kept his gun with him. Mr. Brown gave varying instructions to the driver and made threats towards Ms. Simons.
26. James Brown began exhibiting unusual and bizarre behavior in the limousine and thereafter into the evening. Brown began smoking tobacco in the small area inside

- the rear of the limousine knowing that Mary Simons did not smoke and did not consent to breathing second-hand tobacco smoke. James Brown continued to force and pressure Mary Simons to smoke to the point where Mary Simons took a burning cigarette from James Brown's hand and put it to her lips and pretended to inhale.
27. James Brown eventually directed the limousine driver to again take them to the King George Restaurant. When they arrived James Brown observed another individual he knew in the restaurant and directed Mary Simons to sit with that individual. Later, they were joined by another person. Fearful of Mr. Brown's demeanor, erratic behavior and the gun in the car, she obeyed his instructions. After the food was served, James Brown continued ranting and raving, made claims that people were trying to poison him. He abused a young protegee by ordering him to sit on the floor, sing loudly and "wallow" on the floor.
28. In the erupting scene, Mr. Brown ordered Ms. Simons back to his limousine, with himself always in her presence, and had the driver take them back to his house.
29. Ms. Simons tried to get to her car to leave only to be told by Mr. Brown that she could only leave over his "dead body".
30. Following their arrival at James Brown's house, and later in the night of Wednesday, January 13, 1998, Mary Simons observes James Brown adding a substance to cigarettes that he immediately smoked. Mary Simons did not take or consume any illegal drugs, or any substance. Shortly after she attempted to take refuge in the guest bedroom she had been assigned on arrival, James Brown appeared naked in Mary Simon's bedroom without being invited by Mary Simons. James Brown was rubbing cream on his genitals, and asked her to perform oral sex. Mary Simons

refused and eventually talked Mr. Brown into leaving her bedroom. She cowered in the bed and prayed for some end to the ordeal.

31. James Brown continued to keep Mary Simons awake late all night until daylight on the morning of Thursday, January 15, 1998, telling wild stories such as his premonition that someone was trying to kill him. He periodically required Ms. Simons to accompany him on walks through the house.
32. On various occasions during the night of Wednesday, January 14, 1998, when Mary Simons asked James Brown if she could leave his house, James Brown replied continually, "Over my dead body."
33. In the immediate presence of Mary Simons, James Brown fired the gun many times during the early morning hours of Thursday, January 15, 1998.
34. Occasionally Mr. Brown threatened to go to his office in Augusta, Georgia and kill everyone "who has stolen from me". Mary Simons continued to try to calm and soothe James Brown and dissuade him from additional violent acts.
35. An employee arrived at James Brown's house on the morning of Thursday, January 15, 1998, Mary Simons attempted to have a private conversation with the employee to see if he could call the doctor or someone to help James Brown. The limousine driver also arrived at the home.
36. James Brown went berserk, tearing pictures off the wall, breaking mirrors, pulling the phone off the wall, and destroying other items around his house. He also ordered Ms. Simons, his employee and the limousine driver to take pictures and memorabilia off of the walls.

37. Mary Simons finally convinced Brown to allow her to leave later during the day on Thursday, January 15, 1998.
38. As a direct and proximate result of the ordeal over the three days, including her lack of sleep, lack of food, forced imprisonment, mental anguish, public humiliation, fear of imminent death, fear of harm, fear of sexual assault, assaults, Mary Simons has developed and presently suffers with physical disorders and severe mental stress, has lost sleep, and suffered other emotional harm.
39. Upon information and belief, James Brown was hospitalized shortly after Ms. Simons escaped his compound on Thursday, January 15, 1998.

FOR A FIRST CAUSE OF ACTION
(Assault)

40. Paragraphs 1 through 39 hereinabove are reiterated and realleged as though set forth verbatim.
41. James Brown's violent actions, including but not limited to shooting his gun, threatening with his gun, threats of sexual assault, spraying antiperspirant, attempting to force her to smoke tobacco against her will, placed Mary Simons in reasonable fear of bodily harm.
42. Mary Simons was injured and damaged by having placed in reasonable fear of bodily harm as a direct and proximate result of James Brown's actions.
43. James Brown assaulted Mary Simons at various times on Wednesday, January 14, 1998 and Thursday, January 15, 1998 such that she has been damaged as described above, and is entitled to recover damages in an amount in excess of \$100,000.00 and as may be proven at trial.

FOR A SECOND CAUSE OF ACTION
(Battery)

- 44. Paragraphs 1 through 43 hereinabove are reiterated and realleged as though set forth verbatim.
- 45. James Brown inflicted unlawful violence on the person of Mary Simons.
- 46. James Brown inflicted unauthorized touching on the person of Mary Simons.
- 47. James Brown battered Mary Simons at various times on Wednesday, January 14, 1998 and Thursday, January 15, 1998, such that she has been damaged as described above, and is entitled to recover damages in an amount in excess of \$100,000.00 and as may be proven at trial.

FOR A THIRD CAUSE OF ACTION
(Outrage — Intentional Infliction of Emotional Distress)

- 48. Paragraphs 1 through 47 hereinabove are reiterated and realleged as though set forth verbatim.
- 49. James Brown intentionally inflicted severe emotional distress on Mary Simons.
- 50. James Brown was certain or substantially certain that such distress would result from his conduct towards Mary Simons.
- 51. James Brown's conduct was so extreme and outrageous as to exceed all possible bounds of decency.
- 52. James Brown's conduct was atrocious, and utterly intolerable in a civilized society.
- 53. James Brown's actions caused Mary Simons' emotional distress.
- 54. During James Brown's actions as described hereinabove, the emotional distress suffered by Mary Simons was severe so that no reasonable person could be expected to endure it.

55. James Brown intentionally inflicted emotional distress upon Mary Simons, such that she has been damaged as described above, and is entitled to recover damages in an amount in excess of \$100,000.00 and as may be proven at trial.

FOR A FOURTH CAUSE OF ACTION
(False Imprisonment)

56. Paragraphs 1 through 55 hereinabove are reiterated and realleged as though set forth verbatim.
57. James Brown restrained and deprived Mary Simons of her personal liberty.
58. James Brown's restraint and deprivation of the personal liberties of Mary Simons was intentional.
59. James Brown's restraint and deprivation of the personal liberties of Mary Simons was without her consent.
60. James Brown's restraint and deprivation of the personal liberties of Mary Simons was unlawful such that she has been damaged as described above, and is entitled to recover damages in an amount in excess of \$100,000.00 and as may be proven at trial.

JURY DEMAND

61. Plaintiff demands a trial by jury on all issues so triable.

PUNITIVE DAMAGES
(As to all Causes of Action)

62. Mary Simons is entitled to an award of punitive damages on each cause of action because James Brown acted willfully, wantonly, with a reckless disregard for the rights of the Plaintiff, and with malice and aforethought.

WHEREFORE, Plaintiff Mary Simons prays for judgment against Defendant James Brown, for actual, special, and consequential damages in an amount to be more specifically proven at trial, and, not less than \$5,000,000.00, and for punitive damages together with attorneys' fees and the costs of this action, and for such other and further relief as this Honorable Court may deem just and proper.

LEWIS, BABCOCK & HAWKINS, L.L.P.

██████████ Street

Post Office Box ██████████

Columbia, South Carolina 29211-1208

(803) ██████████

A. Camden Lewis

Daryl G. Hawkins

Thomas A. Pendarvis

By 

Daryl G. Hawkins

SC Bar # 2844

Attorneys for Mary Simons

Columbia, South Carolina

March 16, 1998

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

IN THE COURT OF COMMON PLEAS
SECOND JUDICIAL CIRCUIT
CIVIL ACTION NO. 98-CP- 02-318

Mary Simons,

Plaintiff,

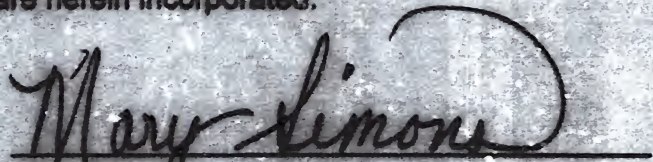
vs.

VERIFICATION

James Brown, a/k/a and p/k/a The
Godfather of Soul,

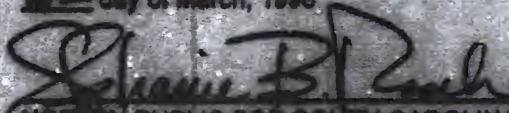
Defendant.

I, Mary Simons, certify that I have read the foregoing Complaint and that to the best of my knowledge, information, and belief formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or a needless increase in the cost of litigation. All facts plead therein are herein incorporated.

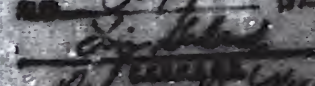

Mary Simons

SWORN to before me this

16th day of March, 1998

 (L.S.)
NOTARY PUBLIC FOR SOUTH CAROLINA

My commission expires 10/27/05

3-19-98

2:10 pm

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

IN THE COURT OF COMMON PLEAS
SECOND JUDICIAL CIRCUIT
CIVIL ACTION NO. 98-CP-02-318

Mary Simons,

Plaintiff,

vs.

James Brown, a/k/a and p/k/a The
Godfather of Soul,

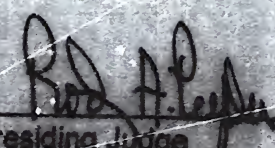
Defendant.

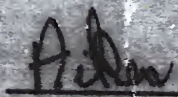
MC 18,099

**CONSENT ORDER OF DISMISSAL
PURSUANT TO RULE 41(a)(2), SCRCP**

THIS MATTER COMES BEFORE ME with the consent of both parties for a
dismissal with prejudice of the foregoing action pursuant to Rule 41(a)(2), SCRCP.
Based upon the consent of counsel for both parties, the foregoing action is hereby
dismissed with prejudice.

AND IT IS SO ORDERED.


Presiding Judge
Second Judicial Circuit


Aiken, South Carolina
October 15, 1998

#1
FILED 11-5-98
1:15 PM
1

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

JUDGMENT IN A CIVIL CASE

IN THE COURT OF COMMON PLEAS

CASE NO. 98-CP-02-318

MC 18,099 JR

Mary Amers

James Brown aka and
Pl/ls The Dofather of souls

PLAINTIFF(S)

DEFENDANT(S)

CHECK ONE:

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☒ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☒ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other_____
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRPC; ☐ Bankruptcy; ☐ Other_____

IT IS ORDERED AND ADJUDGED: ☒ See attached order; ☐ Statement of Judgment by the Court:

Dated at _____, South Carolina, this _____ day of _____, 19____

PRESIDING JUDGE

This judgment/order was entered/filed on the 5 day of November 1998 and a copy mailed/hand-delivered/boxed this 5 day of November 1998 to attorneys of record or to parties (when appearing pro se) as follows:

Thomas Perderie

James Huff

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Lyndee
CLERK OF COURT

By Barbara Riggins
DEPUTY CLERK